IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 18648 of 2007(T)

PETITIONER:

SHONA ATLI, AGED 23 YEARS,
W/O. JOSE V.B., 'SHINE VIEW', T.C.30/1494,
NEAR RAILWAY GATE, PETTAH P.O.,THIRUVANANTHAPURAM.

BY ADV. SRI.V.V.RAJA
SRI.R.RENJITH

RESPONDENTS:

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1. UNIVERSITY OF KERALA
REPRESENTED BY ITS REGISTRAR, UNIVERSITY OFFICE,
THIRUVANANTHAPURAM.

2. THE CONTROLLER OF EXAMINATIONS,
UNIVERSITY OF KERALA, UNIVERSITY OFFICE,
THIRUVANANTHAPURAM.

3. THE PRINCIPAL,
MAR IVANIOUS COLLEGE, BETHANY HILLS, NALANCHIRA,
THIRUVANANTHAPURAM-15.

R1 & R2 BY STANDING COUNSEL SRI.M.RAJAGOPALAN NAIR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO.18648 OF 2007

Dated this the 21st day of June, 2007

J U D G M E N T

The petitioner has approached this Court when the petitioner was denied hall tickets for appearing for the IVth Semester Examination of the M.Com. course undergone by her on the ground that she did not have sufficient attendance during the IIIrd Semester and her results for the IIIrd Semester Examination are, therefore, withheld. The petitioner's contention is that after having allowed the petitioner to appear in the IIIrd Semester Examination and allowing her to continue studies for the IVth Semester Examination, it is not just and equitable now to hold that she is not eligible for appearing for the IVth Semester Examination.

2. Learned counsel for the University would submit that shortage of attendance can be condoned only to a certain limit prescribed in the statute which is a maximum of ten days per semester. The petitioner is stated to have shortage of much more than ten days and

therefore, the same cannot be condoned, now, in view of the specific statute prescribing the limit of shortage of attendance that can be condoned by the Syndicate.

3. However, the petitioner now seeks a direction to the Vice Chancellor before whom the petitioner has filed a representation to consider the same sympathetically, in the facts and circumstances of the case, especially taking into account the fact that the petitioner has, all along her career, done well scoring even a first rank in B.Com. Examination.

4. Having heard learned counsel for the petitioner as also the Standing Counsel for the University, I direct the Vice Chancellor of the University to consider the representation stated to have been filed by the petitioner urgently, so that if the Vice Chancellor ultimately decides in favour of the petitioner, the petitioner can write the IVth Semester Examination and the petitioner can be given hall tickets immediately so that the petitioner can write the examination. In this connection, I may also note the contention of the

petitioner that since under sub clause (XXI) of Chapter 6 of the Kerala University First Statutes, 1977, the Syndicate even has power to exempt a candidate for a University examination from undergoing instruction in a college and also the further sub clause (XXX) of the same chapter gives power to the Syndicate to grant exemption from production of attendance certificate. The Vice Chancellor shall also consider whether this would help the petitioner to get shortage of attendance condoned.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007